

REMARKS

Claims 1, 3, 4, and 6-10 remain pending. Favorable reconsideration is respectfully requested.

The present invention relates to a method for cleaning a resist residue on a microstructure comprising fluidizing a cleaning agent composition consisting essentially of carbon dioxide and a cleaning component under a pressure of 5 Mpa or more, and bringing the cleaning agent composition into contact with a resist residue on a microstructure, wherein hydrogen fluoride is used as the cleaning component, wherein the hydrogen fluoride concentration in the cleaning agent composition is 0.0001 to 0.05% by mass.

See Claims 1 and 7. Claim 7 additionally specifies that the cleaning agent composition contains a specified amount of an alcohol. The present invention also relates to microstructures cleaned by those methods. See Claims 7 and 10.

The rejection of the claims under 35 U.S.C. §103(a) over Koch is respectfully traversed. Koch fails to suggest the claimed methods

Noting the comments at page 4 of the Office Action dated February 23, 2006, the Claims 1 and 7 have been amended to give the phrase “cleaning a resist residue on a microstructure” patentable by weight by explicitly including that feature in the body of the claim.

Thus, Koch differs from the present invention in at least two ways.

First, the claimed method is directed to cleaning a resist residue on a microstructure. Koch does not describe such a method. Rather, Koch describes a method of removing a polishing residue from a substrate. Koch fails to suggest cleaning a resist residue on a microstructure.

In addition, the lowest amount of hydrogen fluoride described by Koch is 0.096% by mass (i.e., by weight). In contrast, the highest amount specified in the claimed method is

0.05% by mass. Therefore, the lowest amount of hydrogen fluoride disclosed by Koch is almost double the highest amount specified in the claimed method! There is simply no motivation in Koch to use almost less than half of the smallest amount of hydrogen fluoride described in that reference. This is because there is not suggestion in that reference that such a small amount of hydrogen fluoride would be effective for cleaning.

In the Office Action dated February 23, 2006, the Office notes the difference in the amount of hydrogen fluoride in the claimed method and Koch, but states that a showing of unexpected or superior results is required for patentability. See the bottom of page 3. That is not the correct standard. The cited reference (i.e., Koch) must suggest the claimed invention (i.e., present a *prima facie* case of obviousness) before a showing of unexpected or superior results (or other secondary considerations) is required for patentability.

For the reasons described above, Koch fails to suggest the claimed methods. Therefore, the reference fails to present a *prima facie* case of obviousness. Accordingly, evidence of unexpected or superior results, or any other secondary consideration, is not required for patentability.

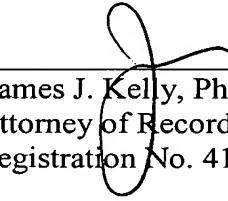
In view of the foregoing, the claimed methods and microstructures cleaned by those methods are not obvious over Koch. Accordingly, Withdrawal of this ground of rejection is respectfully requested.

Application No. 10/532,408
Reply to Office Action of February 23, 2006

Applicants submit that the present application is in condition for allowance. Early notice to this effect is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon



James J. Kelly, Ph.D.
Attorney of Record
Registration No. 41,504

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)